IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO. 152 OF 2005

G. Vijayachandran,
resident of Sada, Goa. .... Petitioner.

Mormugao Municipal Council,
and Others. .... Respondents.

Shri G. Vijayachandran, in person.

Shri S.D. Padiyar, Advocate for the Respondent No.1.

Shri S.S. Kantak, Advocate General with Ms. G. Bhonsale, Addl. Government Advocate for the Respondent No.2.

Shri S.G. Dessai, Senior Advocate with Shri Shivan Dessai, Advocate for the Respondent No.3.

CORAM: R.M. LODHA &
N. A. BRITTO, JJ.

DATE: 3rd OCTOBER, 2005.

P.C.:

Heard Mr. G. Vijaychandran, the petitioner in person.

2. The petitioner is a practising lawyer of this Court. By means of this Writ Petition he has raised the grievance concerning supply/discharge/treatment/re-processing of the solid waste in the site at Chalta No.2 of P.T. Sheet No.52 of the City Survey of Vasco-da-Gama. The said site is said to be adjacent to the Customs Colony, Headland, Sada. The

petitioner happens to reside there because his wife is the Preventive Officer, Customs and she has been allotted the house there.

3. In response to the Writ Petition an affidavit has been filed by the Chief Officer of Mormugao Municipal Council. Principally they have set up the case that after obtaining necessary approval from (i) the Coastal Regulation Authority, (ii) the Goa State Pollution Control Board, (iii) Vasco Planning and Development Authority, (iv) the Directorate of Health Services and (v) the Directorate of Fire Services, they have established waste treatment plant by Semi Mechanical Aerobic Windrow formation method for production of organic manure. The process that is employed there is: Municipal solid waste received is first stacked on the cement platforms specially constructed for the purpose; the same thereafter undergoes manual segregation for separating plastic and other inorganic material from the garbage. After the segregation, the remaining garbage is given scientific culture treatment. The garbage is heaped in windrow method. Thereby the temperature is raised to 65 degree C to 70 degree C. Then comes the stage of turning the garbage heap. There are 6 to 8 turnings at an interval of 8 to 10 days. After this, the garbage is transferred to the plant where remaining plastic and other inorganic material from the garbage is automatically separated at different levels, by sieving drum, which process is repeated twice. Only organic garbage is allowed at final stage where it is converted into final

compost. The final compost received from the plant is an organic manure which is used for agriculture. It is the case of the Municipal Council that by use of the aforesaid technology, non-biodegradable garbage such as plastic bags, bottles, glass ceramic and inert material get separated from the organic garbage. It is admitted by the Council that on account of non-availability of any suitable land on the site by the Municipal Council in and around the Municipal area there is accumulation of these process remnants including plastic material, bottles at the plant site. The Council has stated that it is on the look-out for a suitable land-fill site to dispose of the same.

4. According to the Council, the site is sanitized by using bio-clinic spray. Drains have been constructed on the sides of the concrete platforms to carry the waste water/liquids to the specially constructed tanks on the site. The collected waste water in the tanks is recycled and used for garbage treatment. About 600 trees have been planted at the plant site in terms of the conditions of the consent from Pollution Control Board to act as windbreakers to stop any foul smell emanating from the plant. The Council has also set up a case that around the garbage plant a compound wall has been constructed of about 2.5 mts. height. That the said height needs to be increased to 3 mts. is admitted by the Council. In this connection it is stated that tenders have been invited by Notice published in the month of August, 2005. Further plantation is also in progress.

5. The learned counsel for the Mormugao Municipal Council handed in the permission of the Goa State Pollution Control Board for temporary storage of non-biodegradable waste near the site that is in the land of Chalta No.2 of P.T. Sheet No.52 adjoining the existing municipal solid waste treatment plant. The said document is taken on record and marked 'X' for identification purposes.

6. It appears from the available material that the compost plant has been established at the subject site after seeking appropriate approval and no objection from the concerned authorities. By setting up the said plant, the municipal solid waste is being disposed of scientifically by process involving bio-technology. There is objection by the Airport Authority of India for the disposal of garbage at the present site which has been notified by the Pollution Control Board to the Municipal Council. The Council has to sort it out with the Pollution Control Board.

7. It is true that as regards the disposal of non-biogradable waste, the Municipal Council has not been able to find a permanent solution. The steps that have been taken in that regard are temporary. In so far as storage of non-biodegradable waste at the temporary site adjacent to the existing sold waste treatment plant and its disposal, needless to say, the Municipal Council has to comply with the conditions imposed for temporary

storage of non-biodegradable waste by the Goa State Pollution Control Board by their communication dated 12.9.05.

8. By and large it appears that the Mormugao Municipal Council has taken reasonably adequate steps for disposal/discharge/treatment and re-processing of solid waste as required under Municipal Solid Wastes (Management and Handling) Rules, 2000, yet there has to be continuous compliance of the said Rules and the Environmental laws by the Municipal Council. It is more so because the Municipal Council has civic functions and responsibilities to discharge and it is their obligation to ensure that health and hygienic conditions are provided for to the inhabitants within the Municipal Council.

9. We, accordingly, dispose of the Writ petition by the following Order :-

(i) The Mormugao Municipal Council shall, unless modified/altered or revoked, comply with the conditions set out in the authorisation dated 10.11.04 of the Goa State Pollution Control Board for operating the waste processing/wasted disposal facility at site namely Chalta No.2, P.T. Sheet No.25, Vasco-Da-Gama in Mormugao Taluka.

(ii) That the height of the compound wall at the site shall be

increased to 3 m. as early as possible and in no case later than six months from today.

(iii) The Mormugao Municipal Council shall immediately take steps in finding out adequate and proper site for storage of non-biodegradable waste and until such site is located and put in place, the conditions in the temporary permission dated 12.9.05 granted by the Goa State Pollution Control Board for storage of non-biodegradable waste at site in Chalta No.2(part) of P.T. Sheet No.52 shall be fully complied with.

(iv) The Chief Officer of the Mormugao Municipal Council shall on or before the 5th day of each English calendar month submit the status report to the Registrar of this Court with copy to the Goa State Pollution Control Board. The first of such reports shall be submitted by the Chief Officer by 5th November, 2005. It will be the personal responsibility of the Chief Officer to ensure the compliance of laws and the conditions imposed by the Goa State Pollution Control Board in their authorisation.

10. With the aforesaid directions, Writ Petition is disposed of.

R. M. LODHA, J.

N. A BRITTO, J.

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